IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2147 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/12/2004 in WP NO : 22524 OF 2004 on the file of the High Court.)

Between:

ICICI Bank Limited, Level II, 1-11-256, Begumpet, Hyderabad - 500 016,
rep. by its Area Field Risk Manager Mr. A. Narasimha Murthy S/o Narayana Murthy,
aged 30 years, R/o Hyderabad.

..... APPELLANT

AND

1 The Joint Transport Commissioner, Regional Transport Authority, Khairthabad, Hyderabad.
2 Mr. Satvinder Singh, S/o G.B. Singh,
at 3-5-590/501, Himayatnagar, Hyderabad - 500 029.
3 Mr. Raja Rao, S/o Y. Keshava Rao,
at 1-7-139/57, S.R.K. Nagar, Golkonda X Roads, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant : MR.B.VISWANATHA REDDY

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the respondent Nos. 2 & 3: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. Learned single Judge dismissed the appellant's writ petition in limine on the ground that by issuance of registration certificate in favour of 3rd respondent by 1st respondent, no right of the petitioner – appellant has been violated. Learned single Judge failed to notice the provisions of Section 51 of the Motor Vehicles Act, 1988, and specific averment made in the writ petition that 2nd respondent took delivery of the vehicle with endorsement on R.C. book of the vehicle about hypothecation of the vehicle with the appellant – Bank and the insurance was covered by 2nd respondent for the vehicle in which hypothecation was clearly mentioned. Thus, registration of the vehicle in favour of 3rd respondent without verification of the relevant documents was contrary to law, and as per the allegations made in the petition, if they are found to be correct, registration was required to be cancelled. In such like matter, it was but necessary to have issued notice to the respondents and obtained their version on record instead of dismissing the writ petition in

limine. For this reason, we are inclined to allow the writ petition and set aside the impugned order.

2. In the result, writ appeal is allowed. Impugned order is set aside with direction that learned single Judge will take up the writ petition and decide it in accordance with law after notice to the respondents. Writ Petition be listed before the learned single Judge on 07.02.2005. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 18.01.2005.

VRK.

Note:

Furnish cc in two days.

(BO)

To

1 The Joint Transport Commissioner, Regional Transport Authority, Khairthabad, Hyderabad.
2. Two CCs to G.P. for Transport, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.A.NO. 2147 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 18.01.2005.